

Remarks

We acknowledge, with appreciation, the indication of allowable subject matter in claims 11-14.

We acknowledge the obviousness-type double patenting rejection of pending claims 1-20. We intend to overcome the rejection with the filing of a terminal disclaimer once we receive indication that the pending claims would otherwise be allowable, in order to defer payment of the fees associated with a terminal disclaimer.

We respectfully submit that the pending claims are non-obvious over Wellinghoff (U.S. Patent No. 5,631,300). The compositions disclosed in Wellinghoff require a hydrophobic material, which is excluded from the invention defined in the present claims by use of the transitional language “consisting essentially of.”

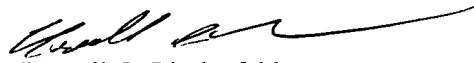
We agree that if the modifier “hydrophobic” were absent from the “hydrophobic material” required by Wellinghoff, some of the exemplary generic classes of compounds mentioned by Wellinghoff could encompass hydrophilic species. As evidence, we enclose a product description from Sartomer Co., Inc. describing how a styrene/maleic anhydride copolymer, a preferred hydrophobic material described in column 10, lines 8-9 of Wellinghoff, can be hydrophobic or hydrophilic depending on the styrene to maleic ratio. However, we respectfully submit that those of ordinary skill in the art would appreciate that, because Wellinghoff repeatedly and consistently describes the materials as “hydrophobic,” Wellinghoff excludes such hydrophilic species within the generic classes disclosed.

As mentioned above, the material inclusion of hydrophobic compounds as required by Wellinghoff is excluded from the present invention. The modifier “hydrophilic” in the claim 1 element “at least one dry solid hydrophilic material” excludes hydrophobic species from the Markush grouping of compounds that follows. To hold otherwise would require that the word “hydrophobic” be ignored in the present claims, which would violate a basic tenet of claim construction.

In light of the foregoing, we respectfully submit that the present claims define a novel and nonobvious invention that fully merits patent protection. We therefore respectfully request that the claims be deemed allowable, other than the double patenting issue. If there remain any issues that the Examiner believes may be resolved by discussion, we cordially invite the Examiner to contact Applicant's undersigned representative by telephone at any time convenient for the Examiner.

As this Amendment is being filed after five months but within six months of the August 25, 2004 mailing date of the Office action. Authorization to charge the fee required for a three-month extension for response, as well as any other fee deemed to be required, to deposit Account No. 05-1070 is hereby granted.

Respectfully submitted,



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